

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 794 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and

MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHANTABEN D/O HARGOVANDS REVABHAI

Versus

OFFICER ON SPECIAL DUTY

Appearance:

MR BR GUPTA for Petitioner
MR. PREMAL JOSHI, GOV PLEADER for Respondent No. 1
MR. D.U. SHAH for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE PRADIP KUMAR SARKAR
Date of decision: 21/12/1999

ORAL JUDGEMENT

Per: M.R. Calla, J :-

No one appears for the petitioner. Ld. advocate Mr. D.U. Shah appears for Gujarat Industrial Development Corporation and Ld. AGP Mr. Premal Joshi for Respondent No.1.

2. This matter is on board for final hearing at Sr.No.1. No one has appeared on behalf of the petitioner. In the facts of the present case, the award was passed under section 11 (2) of the Land Acquisition Act. The petition has been filed claiming solatium and interest as per the amended law, as it appears from the prayers made under Para-10 of the petition. Mr. D.U. Shah and Mr. Joshi appearing for the respondents have submitted that since it was a case in which the award has been passed under section 11 (2) as a consent award on 12-2-1988 (Annexure-A to the petition), there is no question of any claim with regard to solatium and interest in terms of amended law. Reliance has been placed on two decisions of the Supreme Court; (1) in case of ABDUL ASIZ ABDUL RAZAK & ANR. VS. MUNICIPAL CORPORATION OF GREATER BOMBAY & ANR. AIR 1996, S.C. 1350, and (2) in case of ISWARLAL PREMCHAND SHAH AND ORS ETC. VS. STATE OF GUJARAT AND ORS. AIR 1996, S.C. 1616.

3. In the facts & circumstances of the present case, and in view of the law laid down by the Apex Court, we find that. the petitioner is not entitled to solatium and interest on the amount of compensation which has already been paid. There is no substance in this Special civil application. Same is hereby dismissed. Rule discharged. No order as to costs.

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